

# BENTON COUNTY ELECTION COMMISSION

John M. Brown, Jr.  
Chairman

M.W. Sevak  
Secretary



Robbyn Tumey  
Member

Kim Dennison  
Election Coordinator

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## MINUTES OF THE BENTON COUNTY ELECTION COMMISSION

January 25, 2012

Commission members present: John Brown, Jr., Mike Sevak, and Robbyn Tumey

Others present: Tena O'Brien, Christine Southard, Sharon Rose, Russ Anzalone

Media: Tom Sissom, Benton County Daily Record

Commissioner John Brown called the meeting to order at 1:00 P.M. and welcomed everyone.

### **Old Business:**

- A. Update on the February 14, 2012 Gravette School District Special Election: Christine Southard stated that the public notice for the Gravette School District Special Election was put in the paper on January 16, 2012 and that another publication will need to be done. Christine stated that a copy of the public notice shall be published at least five (5) days before the election. Christine stated in the past to save costs, she removes the wording for the L&A testing and all other things that have been completed from the last publication. Christine asked the commissioner's if that is acceptable. Chairman Brown asked if the school board was required to publish the notification. Christine responded yes, but the election commission is required under Election Law §7-5-202 to do a public notice for every election. Commissioner Tumey asked if the commission could bill for this publication. Christine responded yes. The commissioners agreed that the revised publication would be acceptable. Chairman Brown asked if there were any other questions pertaining to the Gravette School District Special Election. Commissioner Tumey asked about the poll workers. Chairman Brown stated he has seen the list and it is complete.
  
- B. Update on May 22, 2012 Preferential Primary and Non-Partisan Judicial General Election: Chairman Brown stated that candidate filing for the Preferential Primary and Non-Partisan Judicial General Election ends on March 1, 2012. County Clerk Tena O'Brien stated that at a previous meeting, it was discussed that the certification of the candidates will be delivered to the Election Commission by the 8<sup>th</sup> or 9<sup>th</sup> of March, 2012. Chairman Brown stated it must be at the Election Commission by March 8, 2012 and that the Secretary of State must also have their list to the commission by the 8<sup>th</sup>. Chairman Brown stated that the ballot draw is scheduled for March 8, 2012 at 6:30 P.M. Chairman Brown asked Christine if she would provide a spreadsheet for the ballot draw. Christine responded yes. Commissioner Tumey asked Christine if the ballot draw had to be

published. Christine responded that a notice of the ballot draw has to be published and also when the public notice of the election is published, it is a requirement to put the candidates and issues in the publication as well. Commissioner Sevak stated that a letter of the publication also goes to the County Chairman notifying them of the ballot draw, so that the information can be received by the candidates. Chairman Brown stated that information has to be given ten (10) days prior to the ballot draw, which is February 27, 2012.

Commissioner Tumey asked about Constables. County Clerk O'Brien stated that there are now only five (5) Constables. Commissioner Tumey asked if the lines had to be redrawn. Tena stated that the lines are not redrawn because they fall within JP Districts. Chairman Brown stated that it is the County Judge's duty to set townships. Commissioner Tumey stated that it would be the commission's responsibility in balloting.

Christine reported that the County Clerk's office is over half way complete with the redistricting and that nothing can be put into the portal until the redistricting is complete.

Tena O'Brien stated that the commission may still want to consider an additional early voting location due to the construction in downtown Bentonville. Commissioner Tumey stated that even if there was no construction, consideration should be given to an additional location. Commissioner Tumey asked about the deadline for establishing early voting locations. County Clerk O'Brien responded that it is thirty (30) days for off-site polling locations. Commissioner Tumey stated Benton County runs between 42 – 44% for early voter turn-out. Chairman Brown stated that early voting starts on May 7, 2012. Commissioner Tumey asked about the turnout for Saturday voting. County Clerk O'Brien stated that at the last General Election it was steady and in the 2010 Election it was sporadic. Commissioner Sevak commented that anytime there is a Presidential Election, the voting will be heavy. County Clerk O'Brien stated, "the county board may decide to hold early voting at additional polling sites outside the offices of the county clerk on any of the days and times provided for in subsection, if it so chooses." §7-5-418(b)(1)(A). Christine stated that the county clerk's office must provide Saturday voting. Commissioner Tumey stated the commission should serve the public the best it can. County Clerk O'Brien stated at the last 2008 Primary Election, the Saturday, off-site early voting locations were open from 10 A.M. to 1 P.M. but at the clerk's office, the hours are from 10:00 A.M. to 4:00 P.M. Chairman Brown stated that off-sites can choose dates and times but the clerk's office cannot. County Clerk O'Brien stated that the hours for early voting at the clerk's office is 8:00 A.M. to 6:00 P.M. Monday-Friday and 10:00 A.M. to 4:00 P.M. on Saturdays. Commissioner Tumey stated if the commissioners did consider offsite voting, would notifying the public be a cost to the election commission, county, or could it be billed to the state. Christine responded that it is a public notice and billed to the state for reimbursement. Chairman Brown stated that during the General Election, the election commission would have to bear the cost of the publication. Chairman Brown suggested putting this discussion at abeyance until the next meeting and at that time make a decision to have offsite voting.

Commissioner Tumey stated that she did not get a definitive answer on the Constable lines. County Clerk O'Brien stated that the township lines will be completed by January 31, 2012.

Chairman Brown asked for other comments on the Preferential Primary and Non-Partisan Judicial General Election. Chairman Brown stated that Circuit Judges file at the State Capital and District Judges do not. County Clerk O'Brien added that Non-Partisan Judges filing by petition, had a deadline at noon on January 23, 2012 and candidates that did not file by petition would have to pay a fee and this would be during the time of county candidate filing. Chairman Brown asked how many have filed by petition. County Clerk O'Brien stated that: Paul Bridges and Billy Bob Webb filed for Rogers; Ray Bunch, Bryan Verneti, and Victoria Morris for Bentonville; Stephen Sloan Thomas for Siloam Springs; and Jeff Connor for Municipal Court West. Chairman Brown stated that in this last legislative session, they changed how the votes are determined for the Municipal offices. He stated

that if a candidate receives 40% of the votes and are 20% ahead of the next candidate, then there is no run-off.

**Public Comment:**

County Clerk O'Brien stated that she brought copies of ordinances for the reapportionment for the City of Siloam Springs and the City of Gentry. Chairman Brown stated that if the Siloam Springs election is contested, their run-off is in August. Christine commented that a draft ordinance was sent to the clerk to review from attorney Jay Williams regarding the issue of calling a special election for the City of Siloam Springs.

Chairman Brown asked if Bentonville had filed for a special school election. Christine responded no, but that she had heard on the news that they were thinking of calling a special election in June. County Clerk O'Brien reported that Bella Vista has not filed their ordinance regarding the annexation of Hiwasse. County Clerk O'Brien reported that some land owners in Hiwasse have filed in the County Court, a petition for annexation. Commissioner Tumey asked if Maysville is going to ask for a special election for their fire dues. Christine responded that she has not heard anything more from any of the fire districts. Christine asked if anyone had heard from Ozark Transit. Chairman Brown stated that he read in the newspaper that Ozark Transit is asking the Washington County court for a ½% sales tax increase. County Clerk O'Brien commented that she believes that the State is trying to get Ozark Transit to join them in the highway tax issue that may be on the ballot in November. Chairman Brown stated that the State is proposing a ½% Sales Tax for highways.

**New Business:**

None

**Other Business:**

Chairman Brown acknowledged Commissioner Sevak. Commissioner Sevak stated that he is resigning his position as Commissioner, due to the fact he is the County Chairman of the Republican Party and that Russell Anzalone will replace him as the Republican Commissioner for Benton County. Chairman Brown welcomed Russ to the commission and thanked Commissioner Sevak for the work he has done on the Benton County Election Commission.

**Announcements:**

Commissioner Tumey stated that she would like to set-up an advisory committee with Mike Sevak, Jim McCarthy, and Helen Peltier for the Benton County Election Commission. Commissioner Tumey stated they have experience in the election field and she would like to make a motion to set-up the advisory committee. Chairman Brown stated the motion is to form an advisory committee consisting of Mike Sevak, Jim McCarthy, and Helen Peltier. Commissioner Sevak questioned the responsibilities of the advisory committee. Commissioner Tumey responded that the responsibilities would be very liquid and that there are some fields that require questions that the commissioners would not want to "bug" the county clerk about and there would be six extra pairs of hands on election night. Chairman Brown stated that the three (3) individuals have agreed to be on the advisory committee at no pay and no expenses. Chairman Brown asked for a vote on the motion to form an advisory committee. Motion carried by voice vote.

Commissioner Tumey requested a copy of the budget for 2012. County Clerk O'Brien stated that it should be on their computers but if not, she would get it set-up.

Commissioner Tumey nominated and made a motion for Russell Anzalone to become Secretary for the Benton County Election Commission. Motion carried by voice vote.

County Clerk O'Brien stated that she brought the Election Commissioner training manual for Russ to review. County Clerk O'Brien administered the Oath of Office to Russ Anzalone as the new Election Commissioner for Benton County.

Chairman Brown gave County Clerk O'Brien his and Mike Sevak's keys to the office at 105 SE Executive Dr. Commissioner Sevak requested a copy with two (2) witnesses showing he did return his key.

Commissioner Tumey stated that she had received an email for the poll worker training certification. Chairman Brown stated that only two (2) trainers would be compensated by the State, but more than two (2) can be certified. Commissioner Sevak stated that Dana and an additional person from the Election Commission should be certified. Commissioner Tumey asked for additional clarification. Chairman Brown stated that the State will train and certify two (2) or more individuals. Those individuals will train poll workers and certify poll workers locally and the commission will be paid \$50.00 for two (2) sessions. Christine stated that the law states that two (2) from each polling site have to attend a coordinated training by the State. Christine continued by asking that if two (2) trainers are certified and come back and conducts training, is that considered a training coordinated by the State. If not, then two (2) poll workers from each poll site would have to attend the State Board training. Commissioner Sevak stated the training in Clarksville and Little Rock is to certify two (2) trainers. Poll worker training will be conducted in March by the State. Commissioner Sevak stated that the two (2) trainers that are to be certified will go to Clarksville in February for Election Commission training and there is an Election Commission poll worker class that is separate. The certified poll workers are certified to train poll workers, but all poll workers still have to go through training. Christine stated that the last training session that was conducted, the State came here. Commissioner Tumey asked if they are compensated. Christine responded yes. Christine stated they are compensated \$25. for training, but the law states you have to have one poll worker at each polling site for each election that has been certified in the last twelve (12) months. Christine stated according to election law §7-4-109(e)(1) "Prior to the regularly scheduled preferential primary election, each member of the county board of election commissioners for each county and at least two (2) election officials per polling site designated by the county board for each county shall attend election training coordinated by the state board".

**Adjournment:**

Chairman Brown made a motion to adjourn, seconded by Commissioner Tumey. The meeting adjourned at 1:50 P.M.

Respectfully submitted,

Mike Sevak, Secretary  
Prepared by Sharon Rose  
Benton County Election Commission